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RUEATRS/DEPT OF TREASURY WASHDC PRIORITY
RHEFDIA/DIA WASHINGTON DC PRIORITY
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RUEIDN/DNI WASHINGTON DC PRIORITY
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RUEKJCS/JOINT STAFF WASHDC PRIORITY
RUEHLMC/MILLENNIUM CHALLENGE CORP WASHINGTON DC PRIORITY 0919
RHEHNSC/NSC WASHDC PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 TEGUCIGALPA 000210

SIPDIS

E.O. 12958: DECL: 03/25/2019

TAGS: [PGOV](#) [KDEM](#) [SOCI](#) [HO](#)

SUBJECT: ZELAYA CALLS FOR OPINION POLL ON CONSTITUENT
ASSEMBLY

Classified By: Ambassador Hugo Llorens, reason 1.4 (b & d)

¶1. (C) Summary: President Manuel "Mel" Zelaya announced on March 24 that the executive will hold a poll on June 30 to ask whether or not there should be a vote on Election Day calling for a constituent assembly to consider changes to the Constitution. Many political leaders are concerned that this is the first step in an attempt by Zelaya to stay in power, although the government has insisted that such an assembly would only be held once Zelaya is out of office. Assuming the government moves forward with the poll, it is possible there will be a good turn-out (or a fabricated one); such results would be used to urge Congress to pass a law authorizing the referendum in November. The Attorney General has launched an investigation into the call for the poll, pointing out that calling for any type of poll without following constitutional procedures is illegal in Honduras. Much of the political class fear that the June 30 poll could be a first step in a power grab. We will work behind the scenes and in public statements to remind people that such a proposal is a major diversion from the serious task of dealing with the global economic crisis and the serious spiral in crime, which are the top priorities for the Honduran people. We will also continue to underscore our unwavering support for the rule of law, democratic governance and the constitutional order. End Summary.

¶2. (C) President Manuel "Mel" Zelaya interrupted national television programming on March 24 to announce that he had issued a decree to carry out a national opinion poll on June ¶30. The poll proposes to ask the people if they believe a referendum (fourth urn) should be added to the November 29 elections (presidential, congressional and municipal) to ask if Honduras should hold a constituent assembly to consider changes to the Constitution. The decree names the National Institute of Statistics as the institution that will carry out this poll, and it is expected that the president will instruct the military to distribute the 10,000 ballot boxes around the country and protect them. The June 30 poll is completely non-binding and has no legal standing. It is not a plebiscite, nor a referendum, which both have distinct procedures and legal standing.

¶3. (C) Representatives from civil society, the political and

business class are concerned that this is the first step by Zelaya in an attempt to remain in power. We expect that Zelaya will be able to mobilize substantial numbers of people to vote in this poll. He held a meeting March 24 with his cabinet and the mayors of the country, where he allegedly offered supplemental financial resources to the mayors of key cities in return for support of this poll. In addition, Zelaya will most likely be able to count on the support of teachers, whom he has given multiple salary raises to, and several left-wing radical groups, like the Bloque Popular, to mobilize support. Zelaya will be able to control this process since it will be an exercise strictly controlled by the executive branch with no legal participation by the political parties and the Supreme Elections Tribunal.

14. (C) We expect Zelaya will get a fairly good turnout (or could potentially fabricate that turnout) and then use that result and the momentum it creates to present a bill to the Congress adding the fourth urn to the polls on Election Day November 29 to consider his question. At that point the Congress could vote the bill down or simply refuse to consider the issue. We understand it would require a two thirds vote in Congress to approve the fourth urn. Congress President Micheletti and the two presidential candidates, Elvin Santos (Liberal) and Pepe Lobo (Nationalist), are on record opposing the idea. However, if Zelaya can get a strong showing of support for the proposal, it will put pressure on Congress to act. (Note: Elvin Santos told the Ambassador on March 25 that his private polling data indicated that 65 percent would support the idea of a

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constituent assembly, although 75 percent did not understand what the proposal meant beyond the fact that in some way it was a form of protest against the system. End Note).

15. (C) Honduras' Public Ministry (equivalent to the Justice Ministry, but independent of the executive) announced March 25 that it had launched an investigation into Zelaya's call for a poll. A ministry spokesperson noted that the poll had no legal standing and that it was a crime to call for any type of election or poll without following constitutional procedures. Attorney General Luis Rubi told the Ambassador March 23 that he was opposed to the poll (septel).

16. (C) Comment: Zelaya's opponents fear that a good turnout and result in the poll could prompt him to make a power grab, justifying his actions by the large number of people that "voted" in favor of him and his proposal. However, we do not believe he has the institutional strength to do this since he lacks, at this point, the support of Congress, the political parties, and the business community, and could not ensure the backing of the military or the state security apparatus.

17. (C) Comment continued: While we will continue to work to maintain good working relations with Zelaya, we will support the democratic forces who question the legitimacy of holding such a poll without any controls or oversight. It is important that the Honduran public understand that this opinion poll has no legal standing and is not a plebiscite. We will encourage Honduran politicians to push Zelaya to publicly commit to following the constitutional process in calling for any constituent assembly and point out the sorry results of constituent assemblies held in other Latin American countries. In addition, we will privately express our concerns to Zelaya. Unlike the last two Zelaya-created crises, the postponement of the primaries and the Supreme Court election, we have time on our side. With three months to go before the opinion poll, we have time to work with democratic forces in Honduras to make sure that the opinion poll does not interfere with the steady march towards November's presidential election - the legal and constitutional vote that will count.

LLORENS